

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LOGIC DEVICES, INC.,

No. C 13-02943 WHA

Plaintiff,

v.

**ORDER REGARDING COMPLAINT AND  
JOINT STIPULATION (DKT. NO. 45)**

APPLE, INC.,

Defendant.

A January 7 order granted defendant's motion to dismiss plaintiff's indirect infringement and willfulness claims (Dkt. No. 36). The order warned plaintiff that no motion to amend would be granted unless plaintiff reimbursed defendant for the expense of the motion to dismiss. A February 4 order conditionally granted in part and denied in part plaintiff's motion for leave to file a first amended complaint (Dkt. No. 43). The indirect infringement and willfulness claims remained dismissed, but plaintiff could supplement their direct infringement allegations. A briefing schedule for reimbursement of defendant's expenses was set. On February 10, defendant filed a declaration seeking \$8,501 (Dkt. No. 44). On February 18, the parties filed a joint stipulation stating that they conferred via telephone on February 12. The stipulation states that "Plaintiff would not seek to file a First Amended Complaint, but will proceed on Plaintiff's original complaint (Docket [No.] 1), which was answered by Apple on January 21, 2014 (Docket [No.] 39)." Plaintiff would thus not be reimbursing defendant's expenses (Dkt. No. 45).

For the record, the operative complaint alleges direct infringement of U.S. Patent No. 5,524,244 (Dkt. No. 1). Defendant has not asserted any counterclaims (Dkt. No. 39).

**IT IS SO ORDERED.**

Dated: February 19, 2014.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE